

U.S.S.N. 09/594,213
Lorenzen et al.
Response to Notice of Non-Compliant Amendment

REMARKS

This Response is in reply to the Notice of Non-Compliant Amendment mailed May 18, 2006. For the convenience of the Examiner, this Response completely replaces the prior amendment mailed May 5, 2006 (with filing date of May 8, 2006).

The prior amendment was deemed non-compliant because it did not provide a complete listing of the claims. Claims 1-39 were previously canceled. This response specifies that Claims 1-39 have been canceled.

Response to the Office Action

In the pending Office Action mailed March 15, 2006, the Examiner rejected Claim 40 under 35 U.S.C. § 112. By this paper, Applicants have amended Claim 40. No new matter has been added and the amendments are fully supported by the specification.

Claim Rejection under 35 U.S.C. § 112 Paragraph 2

At the bottom of page 2 of the pending Office Action, the Examiner rejected Claim 40 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner stated that Claim 40 was unclear because in the last paragraph of the claim "one cannot determine if it is the multiple vendors or the consumer that 'can preview and then receive . . . showing subtotals for each of the multiple vendors."

By this paper, Applicants have amended Claim 40 to make it clear that "the consumer can preview and then submit a single combined order form with separate, distinct invoices showing subtotals for each of the multiple vendors." Thus, Applicants respectfully submit that, as amended, Claim 40 overcomes the rejection because it particularly points out and distinctly claims the subject matter which Applicants regard as their invention.

Claim Rejection under 35 U.S.C. § 112 Paragraph 1

At page 2 the Examiner rejected Claim 40 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner asserted that the last limitation of Claim 40 is not supported by the specification. Applicants respectfully disagree. By this paper, Applicants have amended Claim 40 so that the last limitation of the claim recites “where the multiple vendors are merchants of record, the consumer can preview and then submit a single combined order form with separate, distinct invoices showing subtotals for each of the multiple vendors.” Applicants respectfully submit that this limitation is fully supported by the original specification.

Applicants would like to draw the Examiner’s attention to page 11, lines 10-15 of the original specification where it states “[c]heckout logic also performs the function of preparing the invoice, presenting the invoice to the consumer, obtaining any necessary and/or additional information pertaining to the payment/shipping, and receiving the approval from the consumer for completing the transaction.” Figures A13 and A14 of the specification illustrate an example of a display where “the consumer can preview and then submit a single combined order form with separate, distinct invoices showing subtotals for each of the multiple vendors” as recited in Claim 40. In the example illustrated in Figures A13 and A14, the customer can preview a single combined order form with separate, distinct invoices for three different vendors: Harry and David; HearthSong; and GoodCatalog.com. As illustrated, the single combined order form has separate, distinct invoices for each of the three vendors. The invoice then provides a grand total and allows the consumer to “Submit order.”

Applicants would also like to draw the Examiners attention to page 17, lines 14-16 of the original specification where it states that “[o]nce the consumer authorizes the purchase (step 508 of Fig. 5) and the authorization is received at Multi-Vendor Central System (MV-CS) 240, Multi-Vendor Central System (MV-CS) 240 may then convey the correct portion of the invoice to the appropriate vendor(s).” As noted in the original

U.S.S.N. 09/594,213
Lorenzen et al.
Response to Notice of Non-Compliant Amendment

specification, at page 28, lines 5-15, the use of a single universal shopping cart is an advantage because "[f]or the consumer, the need to use a single universal shopping cart and a single checkout procedure substantially eliminates the confusion associated with the use of different shopping cart interfaces, different checkout interfaces, and different navigation steps when these facilities are implemented in a proprietary fashion by the vendor websites."

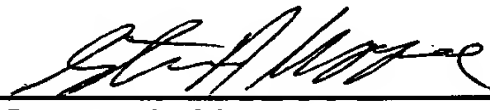
Thus, Applicants respectfully submit that Claim 40 is fully supported by the original specification and request that the rejection be withdrawn.

Conclusion

Applicants respectfully submit that Claim 40, the only pending claim, is fully compliant with the requirements of 35 U.S.C. § 112. Applicants further submit that Claim 40 is patentable over the art of record and is in condition for allowance. Reconsideration and further examination of the application are requested. A Notice of Allowance is solicited.

Any fees that may be due in connection with the filing of this paper, or during the entire pendency of this application, may be charged to Deposit Account No. 50-1213.

Respectfully submitted,
Heller Ehrman LLP

By: 
Steven A. Moore
Registration No. 55,462

Attorney Docket No.: 40959-0002
Steven A. Moore
Heller Ehrman LLP
4350 La Jolla Village Drive
San Diego, California 92122-1246
Telephone: (858) 450-8400
Facsimile: (858) 450-8499